

REMARKS

The Examiner has again rejected each of independent Claims 1, 14 and 18 on the basis of obviousness. In the case of Claims 1 and 14, the Examiner has applied no less than four references, namely Kim et al. (U.S. patent No. 6,456,652), Taylor et al. (U.S. patent No. 4,859,933), McGill (U.S. patent No. 6,285,339) and the newly cited reference of van der Vorm et al. (U.S. patent No. 5,787,350). In the case of Claim 18, the Examiner's rejection was made on the basis of no fewer than five references, once again with Kim et al. being the primary reference.

Applicant respectfully traverses the Examiner's rejections for the following reasons. The Examiner has admitted that none of the applied references other than van der Vorm et al. teaches the evaluation of a location for a fixed subscriber site. The Examiner therefore contends that van der Vorm et al. provides such a teaching. However, the van der Vorm et al. reference is primarily directed to methods and devices for the determination of base station locations, and not fixed subscriber stations as is the case with the present invention. This is made abundantly clear throughout the specification of the van der Vorm et al. reference (Column 1, at lines 7 and 8; Column 2, at lines 10 and 11, at line 23 and at line 32; and Column 4, at lines 48 and 49). Thus, and no differently than the main Kim et al. reference used by the Examiner, the van der Vorm et al. reference is directed towards the determination or allocation of base station locations.

The Examiner has specifically made reference to the teachings of van der Vorm et al. found in Column 3 and at lines 37 to 52 thereof. However, these passages repeatedly deal with the locating of base stations, and not fixed subscriber communication sites as is the case with the present invention. This same passage as cited by the Examiner indicates that supplementary locations for base stations may be determined "on the basis of the field strength predicted or measured for each subarea". If Applicant assumes that this passage is of relevance to the Examiner's argument that somehow the van der Vorm et al. reference teaches or suggests any element of the present invention as found in existing independent Claims 1, 14 and 18, the specific passage in question clearly does not explain how a fixed subscriber station, if any, would in fact be located or optimized within a subarea. In fact, this is not at all a primary concern of

the van der Vorm et al. reference, which instead is directed to a determination and allocation of base station locations. The van der Vorm et al. reference clearly indicates that no physical measurements need take place in a given subarea, as a parameter such as field strength may be merely predicted instead of being actually measured (Column 3, at lines 49 and 50; Column 4, at lines 6 and 7; Column 5, at lines 31 and 32 and Column 7, at lines 40 to 42 ("on the basis of predictions and possible measurements")).

Elsewhere in the van der Vorm et al. reference, it is indicated that subarea parameters may be calculated "in a manner known to those skilled in the art, by means of an evaluation tool, on the basis of the base station locations determined" (Column 12, at lines 31 to 34). The van der Vorm et al. specification provides the example of an evaluation tool known as CAESAR, designed by the Royal PTT of the Netherlands. However, those skilled in this art would appreciate that any other physical measurement means or predictive means could be used to obtain further subarea parameters as called for by van der Vorm et al. The fact remains, however, that the van der Vorm reference is not at all concerned with the evaluation of fixed subscriber locations and therefore this reference cannot reasonably be combined with the numerous other cited references asserted by the Examiner.

The Examiner's attention is drawn to the distinction between a base station and a fixed subscriber communication site, as dealt with in the specification of the present application. On page 1, in the second and third paragraphs, it is indicated that a base station communicates with subscriber stations. It is also there described that a user at a subscriber station communicates with the base station using a fixed antenna at the user's communication site. The notion of a fixed subscriber station is taken up again on pages 7 and following with reference to the detailed description of embodiments of the invention. The Examiner will therefore appreciate that a subscriber station or a fixed subscriber communications site is readily distinguished by those skilled in the art from the base stations described and dealt with in the various references cited by the Examiner.

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Based on the foregoing, the Examiner is respectfully requested to reconsider and withdraw his rejections of the outstanding claims. Applicant therefore respectfully requests that this application be permitted to proceed to allowance.

Respectfully submitted,

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